

CITY OF ALBANY
CITY COUNCIL (WORK SESSION)
Municipal Court Room
Monday, August 25, 2008
4:00 p.m.

MINUTES

CALL TO ORDER

Mayor Dan Bedore called the meeting to order at 4:00 p.m.

ROLL CALL

Councilors present: Councilors Ralph Reid Jr., Floyd Collins, Bessie Johnson, Dick Olsen, and Sharon Konopa.

Councilors absent: Councilor Jeff Christman

BUSINESS FROM THE PUBLIC

There was no business from the public.

NORTH ALBANY WATER SERVICE DISCUSSION

Assistant City Engineer Jeff Blaine said there are two memos in the agenda packet for discussion: Water Service Outside the Urban Growth Boundary (UGB) and North Albany Water Service Alternatives. Blaine said the water service outside the UGB issue is actually the longer of the two reports so he will start with that.

Blaine said that in the summer of 2007 the Council discussed a request for water from the Brown, Foss, and Sams' families that led to the Council's consideration of potential policy changes for water service outside the UGB. Council directed staff to conduct more research and report back. In order to completely answer the Council's questions staff retained a consultant for hydraulic modeling of the water system. Difficulty in finding a competent modeler resulted in a delay in bringing this item back to the Council. CH2M-Hill was ultimately retained and the work is now complete.

Blaine introduced Engineering Associate I Chris Goins. Blaine said Goins spent a lot of time with the consultant on this project and did a great job.

Blaine displayed a map that showed parcels that have water service in orange, and parcels that are eligible for one service per the current policy in blue (see agenda file).

The options before the Council are to codify the existing connection criteria as currently established in Res. No. 3363, or codify language to allow any parcels outside the UGB and adjacent to an existing waterline one service connection and not limit additional connections to parcels created through subdivisions or partitions. With each of these, staff suggests the Council consider four additional connection criteria, as listed in the staff memo.

Blaine said there are no state of Oregon rules that prohibit the Council from making this decision. There are advantages and disadvantages for both scenarios.

Blaine said that by expanding water service and thus promoting growth outside the UGB, it is unknown if there is a potential for septic failures similar to the failures that prompted the large annexation in North Albany several years ago.

Councilor Bessie Johnson asked why the properties that have service already are so sporadically spread out over the large footprint area. Councilor Floyd Collins explained that there were 13 separate water districts in the 1970s. The Parker Water District was the focal point to work with Benton County and bring the others in; Dumbeck Water District was the only one that stayed out.

Collins said another key question is how to plan for urban reserve for future consideration. Cities need to modify the UGB as they approach their maximum density. There needs to be discussion about how far to extend the UGB, yet it can't be predicted too far out. Because Benton County allowed the subdivisions to go in so much of the area is already urbanized. We need some form of transitional standards for where services are now, to where they might be in the future.

Councilor Dick Olsen said we need to consider how we can get all these residents across the North Albany bridge. We need another bridge, but traveling through the downtown area should not be an option.

Bedore said, the only thing that will prevent urbanization is to control who gets water; so the current policy we have may be the best way to go.

Johnson asked if there is anything we can do to prevent Benton County from allowing people to build and put wells in outside the UGB. So often these wells run dry and then they approach the City for services. Public Works Director Diane Taniguchi-Dennis said that the Benton County has initiated a regional water supply discussion that includes groundwater availability and quality. The current policy allows some access if there is a waterline already

fronting the property on a case by case basis. We can charge connection fees under the current policy but to charge a different rate we would have to wait for the North Albany County Service District (NACSD) to dissolve, or negotiate a new agreement. If the Council wanted to modify the current policy, they could, but the rate restrictions would still exist.

Councilor Sharon Konopa said that under Measure 49, if Benton County changes zoning, property owners could make a claim up to five years. She supports current policies because once we start encouraging more connections then it is promoting urbanization without prior planning. She does not want to promote more rural residential growth outside the UGB. Benton County needs to know the City's concerns.

Collins agrees we should keep the current policy.

Taniguchi-Dennis said, staff would like to codify the language rather than pass a resolution. She suggested the Council could still allow connections on a case by case basis for extreme circumstances if criteria were developed as part of the codified language.

Johnson asked if the Mennonite Church could be considered under the policy. Taniguchi-Dennis said no, because the current policy only applies to North Albany. Discussion followed. Johnson wants the policy to apply to all of Albany.

City Attorney Jim Delapoer advised that if the Council codifies the language, then it is law and it cannot be violated. On the other hand, the Council could make criteria which are subjective and not everyone will qualify. When we create exceptions to the rule we create opportunities to disappoint applicants. We should have very few criteria for exceptions to the policy and they should be objective. It could be difficult to write exceptions to codifications whereas policy gives you more flexibility. But, the policy means we will likely be approached more often for exceptions because it would be more difficult for staff to decide.

Blaine said that staying with the current policy could create a maximum of 60 requests; changing the policy would potentially create 160 more requests for service, in addition to the 60.

Councilor Ralph Reid prefers to have stricter control.

Collins said, this is why we need the state to recognize urban reserves. City Manager Wes Hare said, actually, the Senate Bill 182 Task Force is working on that now as a tool that can be applied broadly as well as more regional planning which goes directly to the issue with Benton County. It is too soon to see which way it will go, but it ties directly into the discussions we are having right now.

Johnson asked, what would happen if the policy were applied to all of Albany instead of just North Albany? Delapoer said it might violate Linn County code because they might not allow these types of extensions. It would be up to them to grant more flexibility. They do have some provisions for hazards.

Johnson likes the current policy and supports having high connection fees.

MOTION: Konopa moved to keep the current Resolution No. 3363 and add the four items criteria items listed on page 7 of the staff report. The motion died for lack of a second.

The Council wanted more time for discussion. Also, Councilor Jeff Christman was not in attendance and he would want the opportunity to participate.

Reid said, we are creating an elitist community by charging a high connection fee. Only those who are rich can connect.

This item will come back to a future work session.

Blaine discussed the second issue, North Albany Water Service Alternatives. Blaine handed out a map that showed all three cities: Albany, Millersburg, and Adair Village (see agenda file).

Blaine introduced Drew Foster with the city of Adair Village, and the consultant working with them on their water rights issues, Adam Sussman.

Blaine reviewed the water system improvements in North Albany and potential interconnections in Adair Village. Water system improvements included the deletion of two water piping projects identified in the Water Facility Plan and the need for a second transmission line between the Vine Street Water Treatment Plant and the Broadway Reservoir. The exact timing for the need of the second line is unknown but plant operators already have problems filling and draining the Broadway Reservoir and turnover challenges are also believed to exist.

Taniguchi-Dennis said that Albany is in deficit of water rights at build-out. We do have a shared water rights agreement with Millersburg that will meet that deficit. If we want more security, we could discuss potential options with Adair Village.

Taniguchi-Dennis said Albany is in a good position for a discussion with Adair Village because we currently have extra treatment capacity at this time to serve not only Albany, but also other communities. Adair wants to build a water treatment plant on the Willamette River. The treatment technology for a 2 mgd treatment plant is far different than the technology for a 10 mgd. Albany is capacity-rich right now, but water right-deficient at buildout.

Collins said piping details are secondary to the overall regional decision to work together for water rights retention.

Blaine said Sussman is currently working with Adair to try and secure their water rights. Konopa believes that until the water rights are secure, this conversation is premature. She thinks we should work with the state; at every legislative session there are discussions about water rights and an overall state plan. If our main objective is a secondary back up source for North Albany, why not put it in a different location? We already have two plants and no other city the size of Albany has three. She is looking out for Albany rate payers, who would be footing the bill for a third water treatment plant and cannot afford higher rates. She thinks we should put in a second pipe across the river to provide a back up for North Albany, and then wait for the state to create a statewide plan.

Hare said, another option is if Adair Village purchases water from Albany, which would help us to get a return on the extra capacity we have. We could then talk about a long-term water supply for both cities.

Olsen asked, can we hold a long-term water right without building a plant? Blaine said yes, but it requires justification for the need of the water right to the Oregon Water Resources Department. Adair Village has to go through the extension process, and they cannot do that based on their own needs within their urban growth boundary because there is not enough projected demand based on area and land uses. Without partnering with other water users, they will lose their water right. At the same time, it is unlikely that the state will issue Albany or Millersburg any more surface water rights. In other words, Adair Village has an asset but in order to develop it, they need to partner with us, or another community. We don't need to build a plant, but we can help to preserve their water rights and potential secure future water rights for Albany by justifying the need.

Blaine said another option is formation of a water commission through an intergovernmental agreement.

Reid doesn't agree with Konopa's suggestion to leave it up to the state. If the state were to give Albany more water rights, it would be as of the current date, which has no seniority. Adair Village's water rights are older and have precedence over the future water rights that will be issued. Regardless of how much rights a city has, seniority takes precedence. Konopa clarified that she thinks there will be legislative changes about water rights overall.

Collins said the legislature sees two issues: who is in line first, and if they can prove their water rights. If the proof is linked to the UGB, then we need to talk about water resources and future capacity. Konopa said, if communities have a high percentage of farmland with water rights, then we may lose them anyway. Discussion followed.

Johnson thinks this is a pressing need for Adair Village, although it may not be for Albany. Still, we need to be sensitive to regional needs, as well as future water rights needs and a backup source for North Albany. It would behoove us to continue discussions with Adair Village.

Konopa asked, what has this cost Albany so far? Taniguchi-Dennis said so far the cost has been in City staff time and consultant time for hydraulic modeling. Much of the technical analysis is needed information for managing the North Albany distribution and reservoir system.

COUNCILOR COMMENTS

Johnson said the Northwest Art & Air Festival was a huge success and seemed to be very well attended.

CITY MANAGER REPORT

Hare said February 14, 2009, is Oregon's 150th anniversary. An official recognition or event for Albany has not been discussed yet, although the Montieth Society is planning an event.

Hare said staff has received a request from those who applied for annexation of San Felicia Street. They have information that was discussed but was not presented at the last meeting. The applicants are asking if the Council will reopen the record at the August 27, 2008, Council meeting. Delapoer said he and the Planning staff concluded that the information they want to present would not be pivotal to the Council's decision. Also, it seems that the main motivation is to get the annexation on the November ballot and in order to meet that date, the Council would have to act at the next meeting. It seems unlikely we can meet the deadline anymore, anyway.

The consensus of the Council was to not reopen the public hearing.

Delapoer explained that according to City code, political signs cannot be put out until 45 days in advance of the election. However, "vote by mail" options have brought about a new dilemma. Ballots are mailed to service men and women several weeks in advance; presenting the question, should we extend the 45 day window? Delapoer said his interpretation is no. Linn County sends out 500 out of 60,000 ballots to service men and women, which is clearly diminimus. Also, since the ballots are mailed outside the United States, those voters would not benefit from getting extra time to look at signs anyway. Delapoer would like the Council to ratify his interpretation by motion.

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MOTION: Johnson moved that political signs may be posted 45 days prior to the date that ballots are distributed to the general population by each county. Konopa seconded the motion and it passed 5-0.

Bedore handed out a letter from city of Dallas Mayor Jim Fairchild about the Centennial Celebration in Dallas (see agenda file).

ADJOURNMENT

There being no other business, the Work Session adjourned at 6:05 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, CMC
Deputy City Clerk

Stewart Taylor
Finance Director

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